

**Remarks**

Favorable reconsideration of this application, in view of the above amendments and in light of the following remarks and discussion, is respectfully requested.

Claims 1-22 are currently pending in the application; Claims 16-18 having been amended by way of the present response. Applicants respectfully assert that support for the changes to the claims is self-evident from the originally filed disclosure, including the original claims, and that therefore no new matter has been added.

In the outstanding Office Action, the drawings were objected to; Claim 16 was objected to; Claims 16 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,974,286 to Ban et al. (Ban); and Claims 16 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,999,770 to Li.

Initially, Applicants express thanks for the Examiner's indication that Claims 1-15 are allowed.

Applicants further express thanks for the Examiner's indication that Claims 18-22 recite allowable subject matter, such that the claims, although having been objected to, would be allowable if rewritten in independent form. In response, Applicants have so-rewritten Claim 18. Applicants have further amended Claim 18 in a non-narrowing manner to remedy a potential informality. Applicants respectfully assert that Claims 19-22 depend from Claim 18. Thus, in accordance with the Examiner's indication of allowable subject matter, Applicants respectfully request the allowance of Claims 18-22.

As stated above the drawings were objected to because numbers used for labeling were handwritten. In response, as shown in the attached replacement drawing sheets, Applicants have amended the figures so as not to include handwritten numbers. Thus, Applicants respectfully request that the objection to the drawings be withdrawn.

As stated above Claim 16 was objected to because of an informality. In response, Applicants have amended Claim 16 in a non-narrowing manner to recite “first cover means,” in accordance with the Examiner’s helpful suggestion. Thus, Applicants respectfully request that the objection to Claim 16 be withdrawn.

As stated above Claims 16 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ban, and as being anticipated by Li. Applicants respectfully assert that the amendments to the claims have overcome the rejections for the following reasons.

The present invention, as recited in the rejected independent claims, is directed to a developer cartridge for containing a developer and for delivering the developer to a developer hopper of an electro-photographic machine, and a method for delivering a developer contained in a developer cartridge to a developer hopper of an electro-photographic machine. Independent Claim 16 recites the cartridge including, *inter alia*, a first cover means disposed adjacent means for delivering the developer and positionable in a first direction between an open position for delivery of the developer and a closed position for preventing delivery of the developer, the first cover means configured to move in a second direction different than the first direction during movement between the open and closed positions. Independent Claim 17 recites the method including, in part, indirectly moving a second cover in contact with the developer along a first direction from a closed position to an open position via first cooperating features of a first cover and the second cover after the first cover has been moved a distance in the first direction.

Regarding the rejection of Claim 16, Ban is directed to a toner supply container. For example, as shown in Figure 2 of Ban a bottom piece 3 of a shutter is joined with a top piece 2 of the shutter to confine a seal film 4.<sup>1</sup> In order to unseal the toner supply container, the seal film 4 is peeled off. As the film seal 4 is peeled, the top piece 2 of the shutter, around

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<sup>1</sup> Column 7, lines 59-60, of Ban.

which the seal film 4 is wrapped, and the bottom piece 3 of the shutter, which is connected to the top piece 2, are pulled out at the same time.<sup>2</sup>

Applicants respectfully assert that Ban does not show or render obvious, however, the claimed features of a first cover means positionable in a first direction between an open position and a closed position, the first cover means configured to move in a second direction different than the first direction during movement between the open and closed positions, as recited in independent Claim 16. Specifically, Applicants respectfully assert that Ban does not show or state the top piece 2 or the bottom piece 3 of the shutter moving in a direction different than a direction of movement between open and closed positions, for example.

In particular, independent Claim 16 recites “a first cover means disposed adjacent the means for delivering the developer and positionable in a first direction between an open position for delivery of the developer and a closed position for preventing delivery of the developer, the first cover means configured to move in a second direction different than the first direction during movement between the open and closed positions.” Thus, Applicants respectfully request that this rejection under 35 U.S.C. § 102(b) be withdrawn.

Li is directed to a developer container. For example, as shown in Figures 2 and 3 of Li a sealing membrane 22 is attached to a sliding cover 2.<sup>3</sup> A carrier 3 is a flat, sheet-like member having a plurality of hooks 31 hooked into retaining holes 21 at the sliding cover 2.<sup>4</sup>

Applicants respectfully assert that Li does not show or render obvious, however, the claimed features of a first cover means positionable in a first direction between an open position and a closed position, the first cover means configured to move in a second direction different than the first direction during movement between the open and closed positions, as recited in independent Claim 16. Specifically, Applicants respectfully assert that Li does not

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<sup>2</sup> Column 6, lines 56-61, of Ban

<sup>3</sup> Column 2, lines 15-16, of Li.

<sup>4</sup> Column 2, lines 20-24, of Li.

show or state the sliding cover 2 or the carrier 3 of the shutter moving in a direction different than a direction of movement between open and closed position, for example. Thus, Applicants respectfully request that this rejection of independent Claim 16 under 35 U.S.C. § 102(b) be withdrawn.

Applicants respectfully assert that the outstanding grounds of rejection of independent Claim 16 have been overcome for the above reasons. Thus, Applicants respectfully request the allowance of independent Claim 16.

Regarding the rejection of independent Claim 17, Applicants respectfully assert that Ban does not teach or render obvious the claimed features of indirectly moving a second cover along a first direction from a closed position to an open position after the first cover has been moved a distance in the first direction, as recited in the independent claim. Specifically, Applicants respectfully assert that Ban does not show or state the top piece 2 moving after the bottom piece 3 has been moved from a closed position to an open position, for example. Rather, Applicants respectfully assert that at most Ban shows the top and bottom pieces 2 and 3 moving simultaneously.

In particular, independent Claim 17 recites “indirectly moving a second cover in contact with the developer along the first direction from the closed position to the open position via first cooperating features of the first and second covers after the first cover has been moved a distance in the first direction.” Thus, Applicants respectfully request that this rejection of independent Claim 17 under 35 U.S.C. § 102(b) be withdrawn.

Applicants also respectfully assert that Li does not teach or render obvious the claimed features of indirectly moving a second cover along a first direction from a closed position to an open position after the first cover has been moved a distance in the first direction, as recited in independent Claim 17. Specifically, Applicants respectfully assert that Li does not show or state the sliding cover 2 moving after the carrier 3 has been moved from

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a closed position to an open position, for example. Rather, Applicants respectfully assert that at most Li shows the sliding cover 2 and the carrier 3 moving simultaneously. Thus, Applicants respectfully request that this rejection of independent Claim 17 under 35 U.S.C. § 102(b) be withdrawn.

Applicants respectfully assert that the outstanding grounds of rejection of independent Claim 17 have been overcome for the above reasons. Thus, Applicants respectfully request the allowance of independent Claim 17.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-22 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

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